

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

UNITED STATES OF AMERICA

V.

CRIMINAL NO. 5:13cr6 DCB-FKB

JASON THOMAS KERR

ORDER

This cause is before the Court following a timely filing of a notice of appeal by defendant who will hereafter be referred to as appellant. The United States is hereafter referred to as appellee. The Court finding that this appeal is governed by Rule 58, Federal Rules of Criminal Procedure, hereby sets forth a time schedule upon which this appeal shall proceed. Accordingly, the Court orders as follows:

1. The scope of this appeal shall be the same as an appeal from a judgment of a district court to a court of appeals.

2. The record shall consist of the original papers and exhibits in the case together with any transcript, tape, or other recording of the proceedings and a certified copy of the docket entries.

3. Because the trial in the Court below was complex involving a conspiracy count, this Court deems it necessary and appropriate to have a transcript prepared of the trial and sentencing hearing. The appellant shall bear the burden of ordering and making satisfactory arrangements for payment of the cost of the transcript.

4. The appellant shall order, from the court reporter, the record transcript within ten (10) days of this order.

5. The record on appeal shall be bound in a manner which will facilitate reading with pages numbered consecutively.

6. Upon receipt of an order for the transcript, the court reporter shall acknowledge at the foot of the order that it has been received and the date on which the court reporter expects to have the transcript completed and shall transmit the order, so endorsed, to this Court for filing. If the transcript cannot be completed within 30 days from receipt of the order for said transcript, the reporter may request an extension of time from this Court.

7. Upon completion of the transcript, the court reporter shall file same with the Clerk of Court, and the Clerk of Court shall immediately give notice to all parties of the date on which it was filed.

8. The appellant shall serve and file a brief within forty-five (45) days after the date on which the record/transcript is filed. The appellant's brief shall not exceed twenty-five (25) pages.

9. The appellee shall, within thirty (30) days of the date on which the appellant's brief is filed, submit its response which shall not exceed twenty-five (25) pages in length.

10. Thereafter, the appellant may, within ten (10) days of the appellee's brief being filed, file a rebuttal brief, which shall not exceed five (5) pages in length.

11. The briefs of both parties shall be filed in accordance with Rule 28, Federal Rules of Appellate Procedure and Rule 28 of the Local Rules of the Fifth Circuit Court of Appeals.

12. If the appellant fails to adhere to the mandate of this order, this appeal shall be subject to dismissal.

SO ORDERED, this the 21st day of August, 2013.

s/ David Bramlette
DAVID C. BRAMLETTE, III
UNITED STATES DISTRICT JUDGE